

1	MCELROY, DEUTSCH, MULVANEY &	BAKER LAW PC
2	CARPENTER, LLP	G. RICHARD BAKER (SBN: 224003)
3	ROBERT P. DONOVAN (<i>pro hac vice</i>)	richard@bakerlawpc.com
4	rdonovan@mdmc-law.com	612 32 nd Street South, Suite 213
5	LEWIS H. GOLDFARB (<i>pro hac vice</i>)	Birmingham, Alabama 35233
6	lgoldfarb@mdmc-law.com	Telephone: (205) 201-2328
7	Three Gateway Center	Facsimile: (800) 866-6556
8	100 Mulberry Street	JACKSON & TUCKER PC
9	Newark, New Jersey 07102	JOSEPH L. TUCKER (<i>pro hac vice</i>)
10	Telephone: (973) 622-7711	josh@jacksonandtucker.com
11	Facsimile: (973) 622-5314	2229 First Avenue North
12	SEDGWICK LLP	Birmingham, Alabama 35203
13	KEVIN J. DUNNE Bar No. 40030	Telephone: (205) 252-3535
14	kevin.dunne@sedgwicklaw.com	Facsimile: (205) 252-3536
15	333 Bush Street, 30 th Floor	DL LAW GROUP
16	San Francisco, California 94104	DAVID M. LILIENSTEIN (SBN: 218923)
17	Telephone: (415) 781-7900	david@dlawgroup.com
18	Facsimile: (415) 781-2635	345 Franklin Street
19	<i>Attorneys for Defendants</i>	San Francisco, CA 94102
20	HORNELL BREWING COMPANY, INC.	Telephone: (415) 271-7169
21	d/b/a FEROLITO, VULTAGGIO & SONS,	Facsimile: (415) 358-8484
22	INC., ARIZONA BEVERAGES USA LLC	WILENTZ, GOLDMAN & SPITZER, P.A.
23	and BEVERAGE MARKETING USA, INC.	KEVIN P. RODDY (State Bar No. 128283)
24		DANIEL R. LAPINSKI (<i>pro hac vice</i>)
25		kroddy@wilentz.com
26		dlapinski@wilentz.com
27		90 Woodbridge Center Drive, Suite 900
28		Woodbridge, NJ
		Telephone: (732) 636-8000
		Facsimile: (732) 726-6686
		<i>Attorneys for Plaintiffs Lauren Ries and Serena Algozer and the Certified Class</i>

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LAUREN RIES and SERENA ALGOZER,
Individuals on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

HORNELL BREWING COMPANY, INC.,
et al.,

Defendants.

CASE NO. CV 10-01139 RS

**STIPULATION AND [PROPOSED]
ORDER SHORTENING HEARING DATE
AND SETTING BRIEFING SCHEDULE
ON PLAINTIFFS' MOTION TO
EXCLUDE EXPERT OPINION**

1 **TO THE COURT, AND ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 THIS STIPULATION, entered into by and between the Plaintiff Class Representatives,
3 Lauren Ries and Serena Algozer (“Plaintiffs”), and Defendants, Hornell Brewing Co., Inc. d/b/a
4 Ferolito Vultaggio & Sons, Inc., Beverage Marketing USA, Inc. and Arizona Beverages USA,
5 LLC (“Defendants”), hereby respectfully request a shortening of the hearing date for the
6 Plaintiffs’ motion to exclude expert opinion testimony (DE 178) currently scheduled to be heard
7 April 4, 2013.

8 The parties jointly propose the following briefing and hearing schedule with respect to
9 Plaintiffs’ motion to exclude expert opinion:

- 10 1. Defendants’ response in opposition to Plaintiffs’ motion to exclude expert opinion
11 shall be filed and served on or before March 14, 2013.
12 2. Plaintiffs’ reply brief shall be filed and served on or before March 21, 2013.
13 3. Plaintiffs’ motion to exclude expert opinion shall be heard on March 28, 2013 at 1:30
14 pm.

15 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD:**

16 DATED: March 1, 2013.

17 SEDGWICK LLP
18 Kevin J. Dunne (Bar No. 40030)
19 /s/ Kevin J. Dunne
333 Bush Street, 30th Floor
San Francisco, California 94104

20 MCELROY, DEUTSCH, MULVANEY & CARPENTER
21 Robert P. Donovan (pro hac vice)
22 /s/ Robert P. Donovan
Three Gateway Center
100 Mulberry Street
Newark, New Jersey 07102
Telephone: (973) 622-7711
Facsimile: (973) 622-5314

23 *Attorneys for Defendants*

24 JACKSON & TUCKER PC
25 Joseph L. Tucker (pro hac vice)
26 /s/ Joseph L. Tucker
27 2229 First Avenue North
Birmingham, Alabama 35203

1 Telephone: (205) 252-3535
2 Facsimile: (205) 252-3536

3 BAKER LAW PC
4 G. Richard Baker (Bar No. 224003)
richard@bakerlawpc.com
5 612 32nd Street South, #213
Birmingham, Alabama 35233
Telephone: (205) 201-2328
Facsimile: (205) 449-0050

7 WILENTZ GOLDMAN & SPITZER P.A.
8 Kevin P. Roddy (Bar No. 128283)
Phillip A. Tortoreti (pro hac vice)
Daniel R. Lapinski (pro hac vice)
Suite 900 Box 10
10 Woodbridge, New Jersey 07095
Telephone: (732) 636-8000
Facsimile: (205) 449-0050

12 DL LAW GROUP
13 David D. Lilienstein (Bar No. 218923)
345 Franklin Street
14 San Francisco, California 94102
Telephone (415) 271-7169
Facsimile (415) 358-8484

15 *Attorneys for Plaintiff Class Representatives and
16 the Certified Class*

17 [PROPOSED] ORDER

18 Pursuant to the stipulation of the parties, and good cause appearing therefor,

19 **IT IS SO ORDERED.**

20 DATED: 3/1/13



21 THE HONORABLE RICHARD SEEBORG
22 UNITED STATES DISTRICT JUDGE